

REMARKS

Information Disclosure Statement

Enclosed herewith are copies of the following references:

Walter Oney. Programming the Microsoft Windows Driver Model. Microsoft Press. 1999. Pages: 102-105, 178-221, 236-287, and 302-319.

MSDN Library, July 2003 Release of the. Microsoft Corporation.
Contents->Windows Development->Driver Development Kit->Kernel-Mode Driver Architecture->Design Guide.

The Applicant asks that the Information Disclosure Statement filed on July 8, 2005 now be considered.

Claim Objections

The Examiner objects to the content of claims 10 and 14 as being so close to claim 5 that they cover the same thing. The Applicant would like to point out that claim 5 is dependent on claim 1, while claim 10 is dependent on claim 9, which is dependent on claim 8. Therefore the scope of claim 10 is narrowed by the subject matter of claims 9 and 8 and cannot be substantially the same as the subject matter of claim 5. With respect to claim 14, claim 5 recites that "the non real time operating system is Microsoft Windows" while this limitation is absent from claim 14. Therefore, the scope of these two claims cannot be substantially the same.

The Examiner objects to the content of claim 13 as being so close to claim 6 that it is a substantial duplicate thereof. However, claim 6 is dependent on claim 5 while claim 13 is dependent on claim 1. The scope of claim 6 is narrowed by the subject matter of claim 5 and cannot be substantially the same as the subject matter of claim 13.

Claim Rejections – 35 USC § 102

Claims 1-14 are rejected under 35 USC 102(b) as being unpatentable over Dingwall et al. (US 5,903,752). This rejection is respectfully traversed for the following reasons.

In accordance with MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (...) "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim (...).

Contrary to the Examiner's statement that all elements of claim 1 are disclosed in Dingwall, at least the following is not: "providing from said at least one application a sequence of asynchronous commands to be executed in real time ". The Applicant respectfully submits that the rejection is unsupported by the art and should be withdrawn.

In Dingwall, the "application-specific tasks" are created by the Virtual Device Driver (VxD) Initialization Code 38 (Fig. 2 and col. 4, line 4), which is invoked during system initialization (col. 3, lines 63-65) before the computer begins normal operation (col. 4, lines 25-27). The VxD is not an application executing at a user mode level. Therefore, it cannot be said that the "sequence of asynchronous commands to be executed in real time" is provided from "at least one application at a user mode level of said computer system" (i.e. said at least one application), as the Examiner asserts in his action.

Therefore, the Applicant respectfully submits that the rejection is improper and requests that it be withdrawn.

Conclusions

In view of the foregoing, reconsideration of the rejection of Claims 1-14 is respectfully requested. It is believed that Claims 1-14 are allowable over the prior art and a Notice of Allowance is earnestly solicited.

Respectfully submitted,
Michel Doyon et al.

By:

A handwritten signature in cursive script, appearing to read "Daoud", is written over a horizontal line.

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APPENDIX :

Copies of References